

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA, :  
: :  
: :  
: : CRIMINAL ACTION NO.  
v. : : 1:18-CR-00309-LMM-LTW-1  
: :  
: :  
CHALMER DETLING, II, :  
: :  
: :  
: :  
Defendant. :  
:

**Procedures for the Conduct of Jury  
Trials**

The below is the plan for conducting jury trials in light of COVID-19.

**Juror Attendance Process:**

Jurors will be screened at entry to courthouse. Any juror who does not have a face covering or mask will be provided a mask.

Any juror who refuses to wear a mask will not be allowed to enter the courthouse and will be identified to the Jury Office for deferral.

Jurors will not be allowed to wear masks in the courthouse that bear a political message.

As a temporary measure, to reduce the significant contact required for the securing of mobile phones at the courthouse entrance, jurors will be allowed to retain their mobile phones in the courthouse until further notice by the Court. Jurors will be instructed by the Jury Office that they may not take photographs, record audio, or access the internet on their mobile phones while in the courthouse. If jurors violated these rules, the CSOs will take up their phones. Jurors must leave their phones in the jury room and not have access to them during trial or deliberations.

Jurors must present their summons to identify themselves as jurors to CSOs to retain cell phones.

All jurors will report to the ceremonial courtroom on the first day. Attorneys and Defendant will report to the trial courtroom. Voir dire will be conducted in the ceremonial courtroom.

Hand sanitizer will be available outside the courtrooms to which the jurors will be reporting.

Jurors will continue to use the same seat unless directed otherwise by Judge once in the courtroom.

Each designated seat will be provided a bottle of water and will receive a plastic bag that can be used by the juror for any personal effects, but which will also contain a stick-on juror badge and juror handbook.

Jury Clerk/DIC will take attendance, address any previously unaddressed issues with juror service, and provide orientation addressing:

- Parking ticket validation (Atlanta) – Jurors will validate their own parking tickets using hand sanitizer at the counter after doing so
- Importance of maintaining proper social distance and personal hygiene
- Limits on elevator occupancy – 4 (1 in each corner)
- Necessity of reporting any onset of flu-like symptoms (Telephone number for CRD)
- Designated bathrooms for juror use and limits on simultaneous occupancy

The atriums and hallways outside courtrooms can be used for breaks and provide adequate space for social distancing.

The doors to rooms into which jurors will be taken will be propped open by jury staff or Deputies-in-Charge when feasible to avoid repeated touching of handles by multiple jurors and improve airflow

### **Trial – Set Up:**

The podium will be moved so that it is nearer to counsel tables.

Acrylic screens will be installed between witness box and Judge and witness box and jury.

Plastic face shields are available for use in court by witnesses and jurors. Jurors must also wear a mask. Face shields are not disposable, and the wearer is responsible for cleaning throughout trial. Witness and juror face shields will be deposited in a box at the conclusion of use for spraying with a viricide by court staff prior to reuse. Due to the limitation on numbers of face shields and their cost, only those jurors selected to serve would receive face shields to wear with their masks if they so request.

### **Conduct of Voir Dire:**

Judge will wear a mask at all times unless instructing jurors – will explain this to jury.

Judge will also note the importance of observing screening and personal safety protocols and how this is only for health and safety.

Jurors will wear masks unless they have a response to a voir dire question. Then, they will move to the microphone and temporarily remove their mask to answer questions. The juror will replace their mask after finishing and return to their seat.

### **Jurors Selected:**

Those selected to serve on the jury will be provided an individually wrapped snack, a bottle of water, a small notepad, and a pencil or pen. Jurors will wear masks at all times except for eating and drinking. No food and drinks will be allowed in the courtroom.

Jurors will remain in the same seats in courtroom throughout trial and remain in the courtroom for deliberations. They can sit wherever they would like for deliberations.

Plexiglass shield will be in place on bench between witness and Judge and witness and jurors.

### **Trial Conduct:**

#### **Attorneys:**

May remove masks only when speaking and must speak from place at counsel table or lectern.

Will use trial notebooks and exhibits on screens with witnesses to the extent possible and to limit the need to approach the witness and

get near the jurors.

Will observe social distancing with other trial participants, including jurors, witnesses, court staff, and Judge, unless otherwise permitted by Judge.

Will remove themselves from the courtroom for jury deliberations.

**Witnesses:** (Counsel will be asked to ensure witnesses and any anticipated family in attendance are aware of the courtroom procedures and mask requirements)

Will take the stand according to path identified by Judge.

Will wear a mask when not testifying.

Will use hand sanitizer provided by the Court when taking seat in witness chair.

Will observe social distancing with other trial participants, including jurors, other witnesses, court staff, and Judge, unless otherwise permitted by Judge.

Will clean their area before exiting the witness stand.

**Defendant:**

Defendant will wear a face shield. Defense counsel will also be allowed to wear a face shield if they so request.

English speaking defendants will conduct confidential communications with counsel at counsel table using Channel 2 on interpreter system and headphones with mics provided by the Court if requested.

**Jurors:**

Will sit in designated seats for the duration of the trial and not change seats except for deliberations.

Will observe social distancing with other trial participants, including other jurors, witnesses, court staff, and Judge, unless otherwise permitted by Judge.

Will use restrooms (jury room and hallways) designated by Judge for their use.

Will have access to 2 juror rooms for breaks and lunch. Chairs will be split between the rooms so the jurors don't crowd into one room.

Will not use their cell phones to take pictures or record while in the courthouse.

Will use hand sanitizer and bleach wipes provided by the Court.

Will deliberate in courtroom or other larger room – the room will be locked (doorstops engaged), windows covered, and external sound and (USMS) video systems turned off during deliberations.

**Members of the Public:**

Will wear masks while in the courthouse.

Will always observe social distancing within the courthouse. In the courtroom, they should stay 6 feet away from each other unless they are members of the same pod.

GSA has set HVAC to maximize air replacement in courtrooms.